UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/576,462
Filing Date: May 23, 2000
Appellant(s): THOMPSON ET AL.

Kelly K. Kordzic
For Appellant

EXAMINER'S ANSWER

This is in response to the remand filed 29 April 2005.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

Appellant's brief includes a statement that claims 1-53 and 55-62 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

6,460,020	Pool et al.	10-2002

Kroenke, David M. Database Processing: Fundamentals, Design, and Implementation. 7th ed. Chapters 1 and 2.

Customs and Trade Automated Interface Requirements.

(10) Grounds of Rejection

Following the remand by the BPAI on 29 April 2005, the grounds of rejection have been changed. The following ground(s) of rejection are applicable to the appealed claims:

1. Applicants have repeatedly pointed out that any "means plus function" language of the claims must be interpreted under **In re Donaldson.** The Examiner requests that the Applicant identifies every means plus function and step plus function in the claims and set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawing, if any, by reference characters.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 47 recites the limitation "computer program product." There is insufficient antecedent basis for this limitation in the claim. It appears as if the claim was meant to be dependent upon claim 25, and not claim 45.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 24-26 and 46-50 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 24-26 and 46-50 are directed to a "computer program" per se. The language of claim 24 recites "adaptable for storage on a computer readable medium". We find that such language does not require that the computer program product be on a computer readable medium. Rather, this language merely requires that the computer program be capable of storage at a current or later time.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-53 and 55-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poole et al. (US 6,460,020), in view of Kroenke, David M. "Database Processing: Fundamentals, Design, and Implementation."

Claim 1:

Poole, as shown discloses the following limitations:

- *inputting invoice data associated with an import/export transaction at a first terminal coupled to the network, wherein the invoice data includes a product identifier identifying a product to be transported in the import/export transaction* (see at least column 3, line 60 to column 4, line 20; column 4, lines 47-50);
- *transferring the invoice data from the first terminal to a server hosting a database of product identifiers and tariff classification information particular to each of the product identifiers* (see at least column 3, line 60 to column 4, line 20; column 4, lines 47-50; column 4, lines 23-31);
- *matching the product identifier identifying the product to the product identifiers in the database* (see at least column 3, line 60 to column 4, line 20; column 4, lines 47-50; column 4, lines 23-31); and
- *outputting a data record in response to the matching step, wherein the data record includes tariff classification information associated with the product identifier identifying the product* (see at least column 3, lines 46-49; column 3, line 60 to column 4, line 20; column 4, lines 47-50; column 4, lines 23-31);

Poole teaches an international transaction system such that Applicants' step of inputting reads on the goods selected from the catalogs by the customer ***i.e. invoice data***, input into the processing terminal computer ***i.e. first terminal*** to order goods on the internet. Applicants' step of transferring to a server reads on the selection of the customer being transmitted to the processing center/1st database/system operator, column 4, lines 20 – 31, an inherent and unquestionably vital element of online commerce. Applicant's step of import/export transaction reads on credit authorization and funds transfer confirmation ***i.e. import/export transaction***, and Applicants' step of matching reads on the commodity code ***i.e. product ID*** accessed and obtained, from a third database (via the system operator), based on the customer's selection, column 6, lines 52 - 61, and Applicants' step of outputting a data record reads on the generation

of "appropriate documents" by the third database; the documents include at least, freight, handling, basic taxes, documentation fees, insurance and import/export charges of the product(s) (corresponding to the commodity codes)/product id(s)) selected by the customer, see columns 7 - 8, lines 61 - 67 and 1 - 64, respectively.

Pool discloses the international e-commerce shopping system and database application as shown above. Poole does not specifically disclose database functionality such as assigning product identifiers to product, tariff classification information, transferring product data, etc. Kroenke, however, discloses database functionality, such as Open Database connectivity (ODBC) and web-enabled database processing, as well as entrenched and standardized database functionality such as, for example, creating records, storing records, associating records with other records, sorting and querying batches of records, filtering records, etc. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the international e-commerce system of Poole with Kroenke's database processing methods because Kroenke describes the underlying computer architecture and infrastructure that Poole uses to implement his international e-commerce shopping system.

Claims 2, 3, 11 and 12:

With regard to the limitations of:

- *e-mailing the data record to a second terminal coupled to the network.*
- *downloading the data record to a second terminal coupled to the network.*

Poole discloses sending the order (data record) to the vendor (second terminal) electronically (column 9, lines 10 - 12 and column 10, lines 18 – 25).

Claims 4 and 13:

With regard to the limitation of:

- *printing the data record;*

Poole discloses that paper copies can be generated (column 10, lines 18 – 22).

Claims 5, 14 and 21:

With regard to the limitations of:

- *the data record is downloaded in response to access of the data record in the server by a second terminal using a web browser.*
- *the data record is downloaded in response to access of the data record in the server by the second terminal using a web browser, wherein the network is the Internet.*
- *the second computer accesses the data record via web link between the second computer and the server.*

Poole discloses that the vendor (second terminal) connects to the transaction system to generate the data record. Although Poole do not specifically disclose how the vendor accesses the system (whether a private link or public - website), Poole does disclose that the system is on a website (column 4, lines 47 – 51). Therefore, it is considered that it would have been obvious to one of ordinary skill in the art for the vendor of Poole to access the system via a website. It is not uncommon for many web sites to have areas of the site sectioned off according to the information contained therein, such as when there are icons indicating "wholesalers" and "retailers", since Poole teaches that the system is accessible by a website.

Claims 6, 7, 15, 16 and 20:

With regard to the limitations of:

- *electronically transmitting the invoice data from the first terminal to the server.*
- *inputting the invoice data into a web site associated with the database.*
- *the first computer uploads the invoice data via a web link associated with the server.*

Poole discloses that the information (invoice data) from the customer (first terminal) is transmitted/inputted to the system operator/website (server), which is associated with the third database (Applicants' database). See at least column 3, line 60 to column 4, line 20.

Claims 8, 17, 23, 31, 43, and 52:

With regard to the limitations of:

- *updating the database from a third terminal coupled to the network.*
- *updating the database from a third terminal coupled to the network.*
- *a program operable for updating the database.*
- *a program operable for modifying the database to update the product identifiers and/or import/export transaction information corresponding to each of the product identifiers to ensure legal compliance of associations between the product identifiers and corresponding import/export transaction information.*
- *updating the database to ensure that the associations of the harmonized tariff numbers with the customer's product numbers are in compliance with the country's customs regulations.*

Poole discloses catalogs maintained on a database which can be updated (column 1, lines 30-41), as well as the conversion rate for currency is continually updated. See also, columns 6 and 7, lines 3 -18 and lines 15 - 27. Poole does not specifically disclose *modifying the database to update the product identifiers and/or tariff classification information particular to each of the product identifiers to ensure an accuracy of associations between the product identifiers and corresponding tariff classification information.* However, it would have been obvious to one of ordinary skill in the database arts to update product information because it provides a powerful tool for organizing and updating products and product information, assigning fees and tariffs to products during a transactions, and provides the customer with instant data to make the process of buy and selling internationally more efficient.

Claims 9 and 18:

With regard to the limitations of *recording results of the matching step into a transaction database hosted by the server, Poole disclose updating a database as shown above in the rejections of claims* 8, 17, 23 and 31. It would be an obvious modification of Poole to store results

of queries performed on a database, since databases are designed to store records such as financial transactions.

Claim 10:

With regard to the limitations of:

- *means for inputting invoice data associated with an import/export transaction at a first terminal coupled to the network, wherein the invoice data includes a product identifier identifying a product to be transported in the import/export transaction;*
- *means for transferring the invoice data from the first terminal to a server hosting a database of product identifiers and tariff classification information particular to each of the product identifiers;*
- *means for matching the product identifiers identifying the product to the product identifiers in the database; and*
- *means for outputting a data record in response to the matching of the product identifier identifying the product to the product identifiers in the database, wherein the data record includes tariff classification information associated with the product identifiers identifying the product.*

Poole teaches an international transaction system such that Applicants' step of inputting invoice data reads on the goods selected from the catalogs by the customer, Applicants' means for inputting reads on an keyboard/mouse or other input device, Applicants' step of transferring to a server reads on the selection of the customer being transmitted to the processing center/1st database/system operator, column 4, lines 20 - 31, and Applicants' step of matching reads on the commodity code (product id) accessed and obtained, from a third database (via the system operator), based on the customer's selection, column 6, lines 52 - 61, and Applicants' step of outputting a data record reads on the generation of "appropriate documents" by the third database; the documents include at least, freight, handling, basic taxes, documentation fees, insurance and import/export charges of the product(s) (corresponding to the commodity

codes)/product id(s)) selected by the customer, see columns 7 - 8, lines 61 - 67 and 1 - 64, respectively.

Pool discloses the international e-commerce shopping system and database application as shown above. Poole does not specifically disclose database functionality such as assigning product identifiers to product, tariff classification information, transferring product data, etc. Kroenke, however, discloses database functionality, such as Open Database connectivity (ODBC) and web-enabled database processing, as well as entrenched and standardized database functionality such as, for example, creating records, storing records, associating records with other records, sorting and querying batches of records, filtering records, etc. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the international e-commerce system of Poole with Kroenke's database processing methods because Kroenke describes the underlying computer architecture and infrastructure that Poole uses to implement his international e-commerce shopping system.

In addition, see the rejection of claim 1 above.

Claim 19:

With regard to the limitations of:

- *a server, coupled to the Internet, hosting a database of product identifiers and corresponding import/export transaction information.*
- *a first computer, coupled to the Internet, operable for uploading invoice data, containing at least one product identifier associated with an import/export item, to the server over the Internet;*
- *a program operable for matching the at least one product identifier with a product identifier contained in the database of product identifiers and outputting a data record including import/export transaction information corresponding to the at least one product identifier, and*

- *a second computer, coupled to the Internet, operable for accessing the data record over the Internet.*

Poole teaches an international transaction system such that Applicants' step of inputting invoice data reads on the goods selected from the catalogs by the customer, Applicants' step of transferring to a server reads on the selection of the customer being transmitted to the processing center/1st database/system operator, column 4, lines 20 - 31, and Applicants' step of matching reads on the commodity code (product id) accessed and obtained, from a third database (via the system operator), based on the customer's selection, column 6, lines 52 - 61, and Applicants' step of outputting a data record reads on the generation of "appropriate documents" by the third database; the documents include at least, freight, handling, basic taxes, documentation fees, insurance and import/export charges of the product(s) (corresponding to the commodity codes)/product id(s)) selected by the customer, see columns 7 - 8, lines 61 - 67 and 1 - 64, respectively. Applicants' server reads on the web site of column 3, lines 41 - 44, Applicants' first computer reads on the computer operated by the customer, Applicants' program reads on the program used by the third database, and Applicants' second computer reads on the vendor's computer.

Pool discloses the international e-commerce shopping system and database application as shown above. Poole does not specifically disclose database functionality such as assigning product identifiers to product, tariff classification information, transferring product data, etc. Kroenke, however, discloses database functionality, such as Open Database connectivity (ODBC) and web-enabled database processing, as well as entrenched and standardized database functionality such as, for example, creating records, storing records, associating records with other records, sorting and querying batches of records, filtering records, etc. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the international e-commerce system of Poole with Kroenke's database processing methods because Kroenke describes the underlying computer architecture and infrastructure that Poole uses to implement his international e-commerce shopping system..

In addition, see the rejection of claim 1 above.

Claim 22:

With regard to the limitation of *the data record is transformed into a customs report for transmittal to a customs entity*, Poole discloses that a customs report is transmitted to a customs entity. See column 10, lines 22 - 27.

Claim 24:

With regard to the limitations of:

- *first programming steps operable for establishing a first web page, accessible by a first user at a first terminal coupled to the Internet using a web browser, that permits the first user to input invoice data associated with an import/export transaction, wherein the invoice data includes a product identifier for a product to be transported in the import/export transaction;*
- *second programming steps operable for matching the product identifier included in the invoice data to a database of product identifiers and corresponding tariff classifications resulting in an output of a data record containing a tariff classification matched with the product identifier identifying the product to be transported in the import/export transaction; and*
- *third programming steps operable for establishing a second web page, accessible by a second user at a second terminal coupled to the Internet using a web browser, that permits the second user to output the data record through the second web page.*

Poole teaches an international transaction system such that Applicants' step of inputting invoice data reads on the goods selected from the catalogs by the customer, Applicants' step of transferring to a server reads on the selection of the customer being transmitted to the processing center/1st database/system operator, column 4, lines 20 - 31, and Applicants' step of matching

reads on the commodity code (product id) accessed and obtained, from a third database (via the system operator), based on the customer's selection, column 6, lines 52 - 61, and Applicants' step of outputting a data record reads on the generation of "appropriate documents" by the third database; the documents include at least, freight, handling, basic taxes, documentation fees, insurance and import/export charges of the product(s) (corresponding to the commodity codes)/product id(s)) selected by the customer, see columns 7 - 8, lines 61 - 67 and 1 - 64, respectively. Applicants' server reads on the web site of column 3, lines 41 - 44, Applicants' first computer reads on the computer operated by the customer, Applicants' program reads on the program used by the third database, and Applicants' second computer reads on the vendor's computer.

Pool discloses the international e-commerce shopping system and database application as shown above. Poole does not specifically disclose database functionality such as assigning product identifiers to product, tariff classification information, transferring product data, etc. Kroenke, however, discloses database functionality, such as Open Database connectivity (ODBC) and web-enabled database processing, as well as entrenched and standardized database functionality such as, for example, creating records, storing records, associating records with other records, sorting and querying batches of records, filtering records, etc. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the international e-commerce system of Poole with Kroenke's database processing methods because Kroenke describes the underlying computer architecture and infrastructure that Poole uses to implement his international e-commerce shopping system.

In addition, see the rejection of claim 1 above.

Claim 25:

With regard to the limitation of *the database is stored on a server coupled to the Internet,* Poole discloses Internet-accessible databases (column 1, lines 30-49).

Claim 26:

With regard to the limitations of:

- *fourth programming steps operable for establishing a third web page, accessible by a third user at a third terminal coupled to the Internet using a web browser, that permits the third user to update the product identifiers and corresponding tariff classifications in the database;*

Pool discloses the international e-commerce shopping system and database application as shown above. Poole does not specifically disclose database functionality such as assigning product identifiers to product, tariff classification information, transferring product data, etc. Kroenke, however, as shown in the enclosed reference, teaches database functionality and processing. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the international e-commerce system of Poole with Kroenke's database processing methods because it provides a powerful tool for organizing products, assigning fees and tariffs to products during a transactions, and provides the customer with instant data to make the process of buy and selling internationally more efficient.

Claims 27, 28, 39, 40, 46, and 47:

Pool discloses the international e-commerce shopping system and database application as shown above. Poole also teaches that a product from a particular vendor (thus a particular identifier) may be selected, column 5, lines 2 - 58. Poole does not specifically disclose:

- *the product identifier is unique to a particular company;*
- *the import/export transaction is associated with the particular company;*

However, Examiner takes **Official Notice** that it is old and well known in the financial and transactional arts to assign company unique part numbers or product ID numbers to specific products, as well as associating identifiable transactions with specific companies. Since duties and tariffs are heavily taxed and regulated, maintaining precise records of products bought and sold internationally provides a record for assessing taxes and fees.

Claims 29 and 41:

With regard to the limitation of *the first terminal is coupled to the server over the network,* Poole teaches that the customer interacts with the system via the Internet.

Claim 30:

With regard to the limitation of *the matching step results in the tariff classification information being assigned to the product identifier included in the invoice data,* Poole teaches that the third database assigns/outputs commodity codes (tariff classification information) corresponding to the products selected by the customer.

Claims 32 and 44:

With regard to the limitation of *the invoice data lists products to be imported/exported, and each product is identified with a product identifier,* Poole teaches that the invoice contains the products to be imported/exported along with a commodity code corresponding to the products selected.

Claims 33, 45, and 49:

With regard to the limitations of:

- *the tariff classification information is a harmonized tariff number for a particular country.*
- *the import/export transaction information is a harmonized tariff number for a particular country.*

Poole et al teaches that the tariff classification information is a code for a particular country. See column 6, lines 51 - 61.

Claim 34:

With regard to the limitation of *creating a customs entry report for the import/export transaction,* Poole disclose determining the commodity codes corresponding to the products selected/input by the customer and placing them in "order" form (customs entry report).

Claim 36:

With regard to the limitation of *creating a master report to facilitate the import/export transaction,* Poole teaches creating custom entry reports for customers. See columns 11 - 12, lines 35 - 67 and 1 – 53.

Claims 37 and 60:

Pool discloses the international e-commerce shopping system and database application as shown above. Poole does not specifically disclose:

- *displaying a harmonized tariff schedule in a split screen during the matching step.*
- *linking to a harmonized tariff schedule in a split screen with the data record.*

However, Examiner takes **Official Notice** that it is old and well known in the computer arts to use split-screen display devices. Placing data alongside related data provides a user with an environment that encourages efficient comparisons and contrasts, as well as associations and relationships.

Claims 38, 50, and 55:

With regard to the limitation of *the database of product identifiers and tariff classification information is customized on a per customer basis to ensure that the matching of the product identifiers with the tariff classification numbers is in compliance with local customs regulations,* Poole teaches that for products selected by a customer, tariff classification information is provided on the customer's invoice. As there may be many customers desiring to purchase any amount of

different types of products, each of the invoices provided by the system will be customized. Further, Poole teaches that upon looking up the commodity codes, formats for any necessary import/export data and administrative requirements (compliance) for all countries involved are also considered.

Claim 42:

With regard to the limitation of *the matching program results in the import/export transaction information being assigned to the product identifier included in the invoice data,* Poole discloses accessing a third database for the commodity codes corresponding to the products selected by the customer and included in the invoice.

Claim 48:

With regard to the limitation of *the matching steps result in the tariff classifications being assigned to the product identifiers included in the invoice data,* Poole disclose accessing a third database for the commodity codes corresponding to the products selected by the customer and included in the invoice.

Claim 51:

With regard to the limitations of:

- *creating an invoice representing a purchase of the products by a customer resident within the country, wherein the invoice lists the products by product number;*
- *uploading invoice data over a network to a server from a workstation coupled to the server over the network, wherein the invoice data is an electronic version of the invoice;*
- *creating a database of customer products and tariff classification information, wherein the database is accessible by the server, wherein the database*

comprises product numbers for products particularly associated with the customer, wherein the product numbers are each assigned a harmonized tariff number particular to the country;

- *comparing the product numbers in the invoice data to product numbers in the database to compile a customs entry report where the product numbers in the invoice are each assigned a harmonized tariff number;*
- *using the customs entry report to create a master report to facilitate entry of the products into the country, wherein the master report includes the harmonized tariff numbers assigned to each of the product numbers; and*
- *sending the master report to a government customs office.*

Poole teaches an international transaction system such that Applicants' step of creating an invoice reads on the products input by the customer, Applicants' step of uploading invoice data reads on the customer transmitting (electronically) the invoice to the transaction system, Applicants' step of transferring to a server reads on the selection of the customer being transmitted to the processing center/1st database/system operator, column 4, lines 20 - 31, Applicants' step of creating a database reads on the third database, Applicants' step of comparing the product numbers reads on the system of Poole determining the commodity codes corresponding to the products selected/input by the customer and placing them in "order" form (customs entry report), Applicants' step of using the customs entry report reads on putting the customer's "order" into proper form (master report) for "Customs", and Applicants' step of sending reads on "moving the papers... to the customs department", columns 11 - 12, lines 61 - 67 and lines I - 4, respectively, and Applicants' step of matching reads on the commodity code (product id) accessed and obtained, from a third database (via the system operator), based on the customer's selection, column 6, lines 52 - 61, and Applicants' step of outputting a data record reads on the generation of "appropriate documents" by the third database; the documents include ~~at least, freight, handling, basic taxes, documentation fees, insurance and import/export charges~~ of the product(s) (corresponding to the commodity codes)/product id(s)) selected by the

customer, see columns 7 - 8, lines 61 - 67 and 1 - 64, respectively. Applicants' server reads on the web site of column 3, lines 41 - 44, Applicants' first computer reads on the computer operated by the customer, Applicants' program reads on the program used by the third database, and Applicants' second computer reads on the vendor's computer.

Pool discloses the international e-commerce shopping system and database application as shown above. Poole does not specifically disclose database functionality such as assigning product identifiers to product, tariff classification information, transferring product data, etc. Kroenke, however, discloses database functionality, such as Open Database connectivity (ODBC) and web-enabled database processing, as well as entrenched and standardized database functionality such as, for example, creating records, storing records, associating records with other records, sorting and querying batches of records, filtering records, etc. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the international e-commerce system of Poole with Kroenke's database processing methods because Kroenke describes the underlying computer architecture and infrastructure that Poole uses to implement his international e-commerce shopping system..

In addition, see the rejection of claim 1 above.

Claim 53:

With regard to the limitations of:

- *importing the products into the country; and*
- *facilitating passage of the products through the country's customs office using the master report created as a result of the comparing step.*

Applicants' step of importing/exporting and facilitating passage of the products read on the purpose of the system of Poole.

Claims 56 - 58:

With regard to the limitations of:

- *importing the product into a country using the data record.*
- *exporting the product into a country using the data record.*
- *the data record is used to facilitate the importing of the product into the country.*

Applicants' step of importing/exporting the product reads on the purpose of the system of Poole.

Claim 59:

With regard to the limitation of *the data record is used to create a customs entry report to facilitate the importing of the product into the country,* Poole disclose that the invoice (data record) is used to facilitate the importing of the product into the country.

Claim 61:

With regard to the limitations of:

- *inputting invoice data associated with an import/export transaction at a first terminal coupled to a computer network, wherein the invoice data includes a product identifier identifying a product to be transported in the import/export transaction;*
- *transferring the invoice data from the first terminal to a server hosting a database of product identifiers and tariff classification information particular to each of the product identifiers;*
- *matching the product identifier identifying the product to the product identifiers in the database; and*
- *outputting a data record in response to the matching step, wherein the data record includes tariff classification information associated with the product identifier identifying the product;*
- *importing a product into a country using the data record.*

Poole teaches an international transaction system such that Applicants' step of inputting invoice data reads on the goods selected from the catalogs by the customer, Applicants' step of transferring to a server reads on the selection of the customer being transmitted to the processing center/First database/system operator, column 4, lines 20 - 31, and Applicants' step of matching reads on the commodity code (product id) accessed and obtained, from a third database (via the system operator), based on the customer's selection, column 6, lines 52 - 61, Applicants' step of outputting a data record reads on the generation of "appropriate documents" by the third database, the documents include at least, freight, handling, basic taxes, documentation fees, insurance and import/export charges of the product(s) (corresponding to the commodity codes)/product id(s)) selected by the customer, see columns 7 - 8, lines 61 - 67 and 1 - 64, respectively, and Applicants' step of importing a product reads on the purpose of the system of Poole.

Pool discloses the international e-commerce shopping system and database application as shown above. Poole does not specifically disclose database functionality such as assigning product identifiers to product, tariff classification information, transferring product data, etc. Kroenke, however, discloses database functionality, such as Open Database connectivity (ODBC) and web-enabled database processing, as well as entrenched and standardized database functionality such as, for example, creating records, storing records, associating records with other records, sorting and querying batches of records, filtering records, etc. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the international e-commerce system of Poole with Kroenke's database processing methods because Kroenke describes the underlying computer architecture and infrastructure that Poole uses to implement his international e-commerce shopping system.

In addition, see the rejection of claim 1 above.

Claim 62:

With regard to the limitations of:

- *creating an invoice representing a purchase of the products by a customer resident within the country, wherein the invoice lists the products by product number; uploading invoice data over a network to a server from a workstation coupled to the server over the network, wherein the invoice data is an electronic version of the invoice;*
- *creating a database of customer products and tariff classification information, wherein the database is accessible by the server, wherein the database comprises product numbers for products particularly associated with the customer, wherein the product numbers are each assigned a harmonized tariff number particular to the country;*
- *comparing the product numbers in the invoice data to product numbers in the database to compile a customs entry report where the product numbers in the invoice are each assigned a harmonized tariff number;*
- *using the customs entry report to create a master report to facilitate entry of the products into the country, wherein the master report includes the harmonized tariff numbers assigned to each of the product numbers;*
- *sending the master report to a government customs office; importing the products into the country; and*
- *facilitating passage of the products through the country's customs office using the master report created as a result of the comparing step.*

Applicants' step of creating an invoice reads on the products input by the customer, Applicants' step of uploading invoice data reads on the customer transmitting (electronically) the invoice to the transaction system, Applicants' step of creating a database reads on the third database, Applicants' step of comparing the product numbers reads on the system of Poole determining the commodity codes corresponding to the products selected/input by the customer and placing them in "order" form (customs entry report), Applicants' step of using the customs entry report reads on putting the customer's "order" into proper form (master report) for

"Customs", Applicants' step of sending reads on Poole electronically "moving the papers... to the customs department", columns 11 - 12, lines 61 - 67 and lines 1 - 4, respectively, Applicants' step of importing and facilitating passage of the products reads on the purpose of the system of Poole, column 4, lines 1 - 19.

Pool discloses the international e-commerce shopping system and database application as shown above. Poole does not specifically disclose database functionality such as assigning product identifiers to product, tariff classification information, transferring product data, etc. Kroenke, however, discloses database functionality, such as Open Database connectivity (ODBC) and web-enabled database processing, as well as entrenched and standardized database functionality such as, for example, creating records, storing records, associating records with other records, sorting and querying batches of records, filtering records, etc. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the international e-commerce system of Poole with Kroenke's database processing methods because Kroenke describes the underlying computer architecture and infrastructure that Poole uses to implement his international e-commerce shopping system.

In addition, see the rejection of claim 1 above.

8. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Poole/Kroenke in view of "Customs and Trade Automated Interface Requirements".

Claim 35:

The combination of Poole/Kroenke discloses the international e-commerce system of Poole with Kroenke's database processing methods as shown above. Poole/Kroenke do not specifically disclose that *the customs entry report is sorted by tariff numbers.* However, Appendix G of "Customs and Trade Automated Interface Requirements", page G-10, states that tariff numbers out of sequence is an error. Hence, in order to comply with US Customs the tariff numbers must be in order or sorted. Therefore, it is considered that it would have been obvious to

one of ordinary skill in the art at the time of the invention to sort the tariff numbers as this is a requirement of US Customs.

(11) Response to Argument

Issue 1

The Examiner's rejections are summed up as follows: Pool, in at least the abstract and throughout the text discloses, " *An international transaction system for operation over the internet/intranet provides a pre-transactional calculation of all charges involved in any international transaction. Upon the option of the customer, the goods can be viewed on catalogue sheets translated to a language of the customer's choice, and the price provided in a currency selected by the customer. The customer also has the option of initiating the order with automatic credit authorization, generation of an electronic title or commercial invoice and arrangements and payment of shipping charges and any taxes and import/export duties.*" This paragraph alone reads on the Appellant's element of ***invoice data, first terminal, import/export transaction***, and ***product ID.*** Kroenke discloses database functionality, such as Open Database connectivity (ODBC) and web-enabled database processing, as well as entrenched and standardized database functionality such as, for example, creating records, storing records, associating records with other records, sorting and querying batches of records, filtering records, etc. The combination of Poole/Kroenke discloses the Appellants' claimed invention either explicitly through the teaching of Pool/Kroenke, or implicitly and inherently through the widespread use and understanding of the necessary database functionality that would enable the complex networked system described by both Pool and the Appellant to function with any practical expectation of realistic success.

With regard to the limitations of claims 1, 10, 19, 24, 51, and 61, Appellant first asserts that the combination of Pool/Kroenke is insufficient to support the rejection of the transferring step. However, transferring data between a computer and a database is an integral and inherent part of a database system. Appellant goes on to assert that the database system does not host

product identifiers and tariff classification information. However, the system of Pool could not function even in a rudimentary manner if required database identifiers (primary keys) were not present and utilized. In addition, Appellant asserts that the combination of Pool/Kroenke does not teach that the invoice data is transferred. However, transferring data between a computer and a database is also a fundamental utility and the system would not function properly if data transfers were not accomplished. Continuing, Appellant asserts that product identifiers and tariff classification information particular to each of a product identifiers is not shown in the database functionality. However, the Examiner respectfully asserts that the system of Pool *must* contain various identifiers to maintain a structured record of parts, product, and services for importing and exporting. With regard to Appellant's assertions that Pool does not disclose databases or database functionality, Pool does disclose the plurality of computer databases and systems in column 3, lines 63 to 64. The Examiner also relies heavily on Kroenke's discussion of Database Processing. The manipulation of data as well as the nature of the data and the use of the data as claimed by the appellant is clearly anticipated by the structure and the processes as shown in the combination of Pool/Kroenke. The Appellant asserts that the matching step is not taught. However, Database filtering and querying is nothing more than a complicated series of matching steps. Appellant also asserts that the outputting step is not disclosed in Pool. However, Pool clearly discloses an output when he discloses that computers and databases are used for the purchases and transactions of business services.

With regard to claims 2, 3, 11, and 12, Appellant asserts that there's no teaching of electronic transfer of data. However, as shown in the Rejection Pool does disclose electronic data interchange. The data set itself that is carried on the transfer is nonfunctional descriptive data and it is given no weight. Moreover, if the data on the electronic data transfer were to be given weight, it is easily shown that Pool discloses this electronic flow of data as an inherent part of the process of the import-export transaction system.

With regard to the assertion that Pool does not disclose a website as claimed in claims 5, 14, and 21, the Examiner respectfully points to column 3, lines 60-62, as well as the abstract.

With regard to claims 8 and 26, the Appellant asserts that Pool does not disclose updating databases. However, it is more than obvious that the database to be updated quickly and easily.

With regard to the limitations of claims 9 and 18, the Appellant asserts that the recording step is not shown. However, storing data on a database is more than obvious to one of ordinary skill in the database arts.

With respect to the Appellant's assertions that the Examiner has not fully addressed the complete limitations of Claims 10 and 19, the Examiner respectfully disagrees and points to his responses above as well as to the rejections to these claims as shown above. The Examiner has taken the broadest and most reasonable interpretations of the claim language in light of the specification and has made a rejection that is both reasonable and supported by the evidence of Pool and Kroenke. In addition, Pool's disclosure of the World Wide Web and Internet inherently discloses the use of servers. Kroenke, on page 19 discloses client-server database applications.

With regard to the appellant's assertions regarding claims 17 and 19, the Examiner again respectfully disagrees and points to his responses above as well as to the rejections to these claims as shown above. The Examiner has taken the broadest and most reasonable interpretations of the claim language in light of the specification and has made a rejection that is both reasonable and supported by the evidence of Pool and Kroenke. The Appellant's variations of the Web-enabled client/server database system amount to nothing more but equivalent design choices that do not enhance or otherwise improve the system as disclosed by the combination of Pool/Kroenke. Appellant does not even begin to disclose that maintaining databases either internally or externally to the various servers and databases of the network system improve upon the system in one form or another. With regard to the Appellant's assertions that the computer described in Pool is not operable for accessing data over the Internet or that a matching system for matching various identifiers is not disclosed, the Examiner respectfully disagrees and points to the rejections above as well as the responses above and maintains that the combination of Pool and Kroenke plainly and completely disclose the limitations in question.

With regard to Appellant's assertions regarding claim 22, Pool discloses retrieving information from the database and placing it into a form that is largely equivalent to what the Appellant has claimed with minor differences that would have been considered obvious to one of ordinary skill in the art.

With regard to claim 23, the Appellant asserts that Pool does not disclose updating databases. However, it is more than obvious that the database to be updated quickly and easily.

With regard to the limitations of claims 24 and 25, the Appellant asserts that the recording step is not shown. However, storing data on a database is more than obvious to one of ordinary skill in the database arts.

With regard to the Appellant's assertions regarding claim 26, the Examiner's has already shown that the combination of Pool/Kroenke anticipates the use of the World Wide Web, the Internet, Web sites, and Web-enabled databases.

With regard to the appellant's assertions regarding claims 27 and 28 it is obvious to one of ordinary skill in the art to produce a product identifiers and transaction identifiers specific to particular products and transaction and the company is provides its structure and mechanism for database applications to quickly sort store and retrieve orders and transactions based any one of the aforementioned identifying numbers. One of ordinary skill in the art need look no farther than a vehicle identification number or a receipt from an auto dealership. Appellant's challenge of the Examiner's use of Official Notice is unsound because nowhere in the prosecution history has the Appellant asserted that the Examiner has made an error in taking Official Notice. Therefore, evidence to support the Official Notice is not required.

With regard to the Appellant's assertions regarding claim 30, since Pool discloses that the database can assign commodity codes, it would have been obvious to one of ordinary skill in the art to modify this assignment of commodity codes to include product identifiers and tariff classification information.

In response to Appellant's assertions regarding claim 31, the Examiner respectfully points to the responses regarding claim 8 as shown above. Furthermore, the limitation of "to insure an

accuracy of the association's between the product identifiers and corresponding tariff classification information" discloses an intended use for has not been given any weight.

In response to the Appellant's assertions regarding claim 32, the Appellant has misinterpreted the Examiner's intentions and rejections. The rejection of claims 32 is shown above.

In response to the Appellant's assertions regarding claim 34, the order disclosed by Pool is equivalent to the customer entry report and is therefore an obvious modification to one of ordinary skill in the art.

With regard to the Appellant's assertions of claims 38, 50, and 55, it would be obvious to one of ordinary skill in the art to provide unique classification identification numbers based on customers and customer transactions. This type of unique identification is merely a variation of the same procedures that are used when consumers purchased goods and services from vendors or retailers.

With regard to the appellant's assertions regarding claim 39, it is obvious to one of ordinary skill in the art to produce a product identifiers and transaction identifiers specific to particular products and transaction and the company is provides its structure and mechanism for database applications to quickly sort store and retrieve orders and transactions based any one of the aforementioned identifying numbers. One of ordinary skill in the art need look no farther than a vehicle identification number or a receipt from an auto dealership. Appellant's challenge of the Examiner's use of Official Notice is unsound because nowhere in the prosecution history has the Appellant asserted that the Examiner has made an error in taking Official Notice. Therefore, evidence to support the Official Notice is not required.

With regard to the Appellant's assertions of claim 42 that the computer described in Pool is not operable for accessing data over the Internet or that a matching system for matching various identifiers is not disclosed, the Examiner respectfully disagrees and points to the rejections above as well as the responses above and maintains that the combination of Pool and Kroenke plainly and completely disclose the limitations in question.

In response to the Appellant's assertions regarding claims 43, 52, and 55, Pool specifically discloses import and export transactions abstract, inherently disclosing legal compliance, various identifiers, and updating databases. Each limitation has been properly addressed in the rejections as shown above.

In response to the Appellant's assertions regarding claim 44, the Appellant has misinterpreted the Examiner's intentions and rejections. The rejection of claims 44 is shown above.

With regard to the assertions made by the Appellant regarding claim 53, the rejections as shown above clearly anticipate a master report or certified invoice. Since it is the goal of both the systems of the Appellant and that of Pool to insure proper delivery of imported and exported goods, is inherent that the goods must be imported and passage to the country of destination must be facilitated.

The Appellants assertions regarding claims 55, 56-59, 61, and 62 have been addressed above.

With regard to Appellant's assertions regarding claim 54, claim 54 is cancelled rendering all arguments and assertions moot.

In response to Appellant's argument that the Examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). In this case, Pool clearly anticipates the claimed limitations of facilitating and import and export system utilizing computer networks and databases. Kroenke discloses database functionality. Together, Pool/Kroenke teach the obvious combination of using the efficient structure of the databases to generate worldwide transactions.

Issue 2:

With regard had to the Appellant's assertions concerning claim 35, it appears as if the Appellant is trying to persuade the Examiner and the board that placing data items in order for the purposes of sorting could in no way be a normal function of structure, logic, and reasoning, and therefore must be the result of hindsight reasoning provided singularly by the Appellant. This of course is preposterous as the Examiner's rejections show.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

James A. Reagan
Examiner Art Unit 3621
28 June 2005

Conferees
Jim Trammell
John Wiess

Kelly K Kordzik
5400 Renaissance Tower
1201 Elm Street
Dallas, TX 75270-2199